

The Honorable Marsha Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

HO-CHUAN CHEN and
HOSSEIN BARAHIMI,

Plaintiffs,

LINDA DOUGHERTY, JENNIFER
LINDWALL, and KING COUNTY,

Defendants.

Consolidated Action

No. CV4-0987P

**DECLARATION OF
SUSAN MINDENBERGS IN
SUPPORT OF FEE PETITION**

Hearing Date: June 19, 2009

HOSSEIN BARAHIMI,

Plaintiff,

v.

KING COUNTY and SUE OSTERHOUDT,

Defendants.

DECLARATION OF SUSAN MINDENBERGS
IN SUPPORT OF FEE PETITION (No. C04-0987P)

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SUSAN B. MINDENBERGS
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2 SUSAN B. MINDENBERGS does hereby declare and certify under penalty of perjury
3 under the laws of the State of Washington that the following is true and correct and from my
4 personal knowledge.

5 1. I am an attorney licensed to practice law in the State of Washington, U.S. District
6 Court, Eastern and Western Districts, and the U.S. Court of Appeals for the Ninth Circuit.

7 2. I represent Hossein Barahimi in the above-entitled action.

8 3. I have been practicing law in Washington since July 1991. My practice consists
9 primarily of employment discrimination cases. Over the years, I have represented hundreds of
10 plaintiffs. Some of the larger defendants against whom I have prosecuted civil rights violations
11 include The Boeing Company, Alcoa-Intalco Aluminum, Georgia-Pacific, Kentucky Fried
12 Chicken, Safeway, Lilly Industries, The Better Business Bureau, Haworth, Inc., Idearc (formerly
13 Verizon), University of Washington, Diamond Parking, King County, Seattle Public Schools,
14 City of Seattle, Mason County, and the State of Washington. I have successfully litigated cases
15 against all of these defendants, either by settlement or trial. I also spend a minimum of one
16 hundred hours each year providing *pro bono* legal services to indigent persons.

17 4. Between 1997 and 2000, I served on the Washington State Bar Association Rules
18 and Procedures Committee for three years; I chaired the Rules Committee in my third year of
19 service on the Committee. Between 1999 and 2009, I served on the Board of Directors of the
20 Washington Employment Lawyers Association (WELA) for approximately ten years. I am a
21 cooperating attorney for the American Civil Liberties Union of Washington.
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2 5. In 2002, I received intensive trial training from the Gerry Spence Trial Lawyers
3 College in Dubois, Wyoming. From 2003 until 2008 when I retired, I served as a faculty
4 member for the Spence Trial Lawyers College. I served on the National Institute of Trial
5 Lawyers faculty for three years. I have been a featured speaker at many legal education
6 seminars for groups such as WELA and the Washington State Trial Lawyers Association.

7
8 6. As a member of the Washington Employment Lawyers Association and as a
9 consulting attorney for the American Civil Liberties Union of Washington, I have served as
10 amicus curiae on several civil rights cases at various appellate court levels in Washington.

11 7. My educational background includes a Bachelor of Arts degree that I received in
12 1972 from the University of Oregon. In 1974, I received a Masters of Regional and Urban
13 Planning degree from the University of Oregon. I graduated from the University of Puget Sound
14 Law School (now Seattle University Law School) in August 1990. In my third year of law
15 school, I received the American Jurisprudence Award for Trial Clinic.

16
17 8. During this litigation, I took or defended sixteen volumes of depositions for
18 fourteen witnesses. In addition to depositions, I prepared for and interviewed another seven
19 witnesses. The defendant propounded three sets of discovery requests; plaintiff Barhimi
20 propounded one comprehensive set. The motion practice was extremely intense in this
21 case—both discovery motions and summary judgment motions.

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23 9. Trial preparation was very document intensive. Between the parties, over 1800
24 documents were originally identified as trial exhibits. At the conclusion of the case, there were
25 more than 500 documents filed with the Court. Defendants identified dozens of witnesses for
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2 trial, including two experts for Mr. Barahimi's case—a Project Management witness and a IME
3 psychiatrist. Although not all these witnesses were called at trial, I had to spend time preparing
4 for their appearance.

5 10. I caused to be served Public Disclosure requests seeking the bills for legal fees
6 and costs for Lane Powell and Gordon Derr law firms submitted to King County in the defense
7 of King County in the above entitled cases. Attached hereto as Exhibit C is a summary of the
8 billings those two law firms spent defending the individual defendants and King County. I have
9 reviewed all of the bills and I had the summary prepared consistent with the billings. The
10 itemization reflects the billing date rather than the date of service. The combined billing records
11 of the two firms through February 28, 2009, for Lane Powell and through April 30, 2009, for
12 Gordon Derr amount to more than \$2.4 million.

14 11. During the course of this litigation, I consulted with Patricia Rose. Ms. Rose is a
15 lawyer with 20 years of experience in the legal community in the area of civil rights. She
16 assisted me with legal research and brief writing. Attached hereto as Exhibit B is the
17 contemporaneously logged billing record kept by Ms. Rose during the course of this litigation.

19 12. By the end of December 2008, the intensity of the litigation in this case
20 necessitated that I associate with another trial attorney. Jeffrey Needle agreed to co-counsel this
21 case through the trial phase of the case.

22 13. The fee agreement I have with Mr. Barahimi is a contingent agreement. I have
23 received no compensation of any kind for the services I performed in the above-referenced
24 matter after the initial consultation and document review.
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2 14. I am a sole practitioner. The time I spent prosecuting this case necessarily
3 precluded evaluating and working on other fee generating legal matters.

4 15. I kept electronic records of all the time I spent on this case. I carefully logged the
5 time I spent contemporaneously with the expended time on this case. Attached hereto as Exhibit
6 A are my contemporaneously logged hours spent litigating this case. Many meetings, telephone
7 calls, conferences, and other types of communications pertaining to this case that amount to
8 dozens of hours have not been recorded on this contemporaneously logged billing record. When
9 I reviewed all the contemporaneously logged hours I spent on the, I cut 130 hours from the
10 records.
11

12 16. My usual and customary fee is \$300 per hour. My hourly rate is reasonable given
13 the number of years I have been practicing and the scope of my practice and experience in the
14 legal community.
15

16 17. My paralegal, Janet Franciso, has worked for me for approximately 12 years. She
17 has worked as a paralegal for the past 20 years both in large corporate law firms and for smaller
18 firms such as mine. The billable rate for Ms. Francisco's time is \$110 an hour. The time spent
19 by Ms. Francisco on this case dramatically reduced the amount of attorney time I would have
20 otherwise have had to spend. In order to prepare for trial, I hired a contract paralegal to assist
21 with the exhibit preparation. The consultant is Amy Howe. Ms. Howe has been a paralegal for
22 approximately 20 years. She most recently worked as a paralegal in the Federal Public
23 Defender's Office. She is now free-lancing. I am seeking \$110 per hour for her services.
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18. I asked Judith Lonnquist to review my hourly rate and Jeff Needle's hourly rate to assess the reasonableness of those rates in the community. I also asked Ms. Lonnquist to review the number of hours that I logged in prosecuting this case for a determination of the reasonableness of the number of hours I logged. Ms. Lonnquist spent 5.5 hours assessing all the documentary evidence that I provided to her and in preparation of her declaration in support of our fee petition. On June 2, 2009, I paid Ms. Lonnquist \$2,475 for the time she spent reviewing our documents and preparing her declaration.

19. The Court ordered defendants to pay for attorney fees associated with the preparation of materials for the Special Master. Defendants paid \$13,706.40 in fees. Defendants also paid \$1,300.00 for hours spent by paralegal overseeing the clawback of privileged material at my office. The total fees and costs requested reflects a reduction of \$13,706.40 and \$1,300.00, the total of which is \$15,004.60.

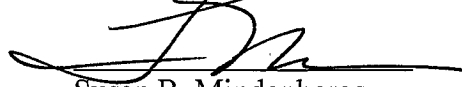
20. My request for reasonable attorney's fees and costs is summarized as follows:

Susan Mindenbergs – 1227.19 hours @ \$300 per hour	\$354,450.60
(Included reduction of total by \$13,706.40 paid by defendants)	
Patricia Rose—33.50 hours @ \$300 per hour	10,050.00
Judith Lonnquist—5.5 hours @ \$450 per hour	2,475.00
Janet Francisco—461.32 hours @ \$110 per hour	50,745.20
Amy Howe—105.75 hours @ \$110 per hour	11,632.50
Total Costs (Included reduction of total by \$1,300 paid by defendants)	18,941.82
TOTAL OUTSTANDING FEES AND COSTS	\$448,295.12

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2 Dated this 3rd day of June, 2009, at Seattle, Washington.

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4 Susan B. Mindenbergs

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Current Activity and Costs:	Hours	Rate	
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11/10/2006 Investigation/Research	2.00	300.00	600.00
02/08/2007 Investigation for tort claim	1.50	300.00	450.00
02/12/2007 Investigation and preparation of tort claim	4.50	300.00	1,350.00
02/13/2007 Revise tort claim and research state law amendments	2.50	300.00	750.00
3/20/2007 Research state law claims	1.50	300.00	450.00
03/29/2007 Review 9th court decision on qualified immunity	1.50	300.00	450.00
05/21/2007 Prepare complaint	1.50	300.00	450.00
05/29/2007 Prepare complaint	6.43	300.00	1,929.00
7/11/2007 Prepare and finalize complaint	2.00	300.00	600.00
07/24/2007 Review changes to complaint	2.10	300.00	630.00
09/24/2007 Review removal pleadings	2.00	300.00	600.00
09/25/2007 Review removal pleadings	1.00	300.00	300.00
12/06/2007 Prepare initial disclosures	2.10	300.00	630.00
12/07/2007 Meet w/client and staff regarding initial disclosure	0.50	300.00	150.00
01/17/2008 Prepare initial disclosures and joint status report	5.10	300.00	1,530.00

EXHIBIT A

03/02/2008 Conference w/client	0.50	300.00	150.00
03/13/2008 Prepare for deposition and analyze documentary evidence	3.60	300.00	1,080.00
04/08/2008 Retaliation research and investigation	2.50	300.00	750.00
04/28/2008 Research consolidation; meet w/client; prepare response in opposition to restrictive discovery	5.20	300.00	1,560.00
06/02/2008 Prepare discovery	2.10	300.00	630.00
06/03/2008 Prepare discovery	1.50	300.00	450.00
6/21/2008 Prepare for client deposition	2.50	300.00	750.00
06/30/2008 Prepare for client deposition	4.30	300.00	1,290.00
07/01/2008 Prepare client and defend deposition	7.10	300.00	2,130.00
07/07/2008 Respond to discovery requests	3.50	300.00	1,050.00
07/08/2008 Finalize responses to discovery requests	2.00	300.00	600.00
07/09/2008 Research Fed.R.Civ.Pro 35 issues & stipulations	2.30	300.00	690.00
07/10/2008 Research on DME; negotiations w/opposing cour	2.00	300.00	600.00
7/11/2008 Prepare discovery requests	4.00	300.00	1,200.00
07/12/2008 Prepare discovery requests	4.30	300.00	1,290.00
07/14/2008 Witness preparation; discovery preparation	4.00	300.00	1,200.00
07/26/2008 Prepare Vandenbelt for DME w/client	6.30	300.00	1,890.00
07/28/2008 Prepare for and conduct CR 37 conference w/Re and Stockdale	2.10	300.00	630.00
08/04/2008 Prepare responses to discovery requests w/client	2.20	300.00	660.00
08/05/2008 Supplement discovery responses	5.20	300.00	1,560.00
08/07/2008 Prepare supplemental responses to discovery	3.20	300.00	960.00
08/14/2008 Prepare discovery responses	4.00	300.00	1,200.00

8/15/2008	Prepare discovery responses	1.50	300.00	450.00
08/18/2008	Prepare discovery responses; document preparation, witness preparation, and preparation for depositions	2.20	300.00	660.00
08/20/2008	Prepare for co-worker depositions	3.10	300.00	930.00
08/24/2008	Prepare client for deposition; prepare for defense depositions; Davis, Huft, Gualtieri, Shively	4.60	300.00	1,380.00
08/25/2008	Prepare for deposition and defend deposition	2.00	300.00	600.00
08/25/2008	Prepare for meeting w/health care provider; meet w/Mendenhall	3.00	300.00	900.00
08/26/2008	Prepare client for deposition and defend deposition	5.00	300.00	1,500.00
08/26/2008	Analyze documents produced by defendant 17 boxes of discovery responses	1.50	300.00	450.00
08/27/2008	Analyze documents produced by defendant	4.00	300.00	1,200.00
08/27/2008	Attend client deposition, Vol. 2	3.00	300.00	900.00
08/28/2008	Analyze documents produced by defendant	3.00	300.00	900.00
08/28/2008	Prepare for and attend Mendenhall deposition; preparation, defend deposition	3.02	300.00	906.00
08/28/2008	Analyze defendants; responses and prepare list of outstanding issues	4.00	300.00	1,200.00
8/29/2008	Write letter to opposing counsel regarding computer dump and other outstanding discovery problems	2.10	300.00	630.00
08/29/2008	Prepare for deposition of Osborne & Dougherty depositions	3.40	300.00	1,020.00
8/29/2008	Analyze defendant's responses and prepare list of outstanding issues	4.00	300.00	1,200.00
08/30/2008	Prepare responses to defendant Osterhoudt's requests for admission	4.10	300.00	1,230.00
08/31/2008	Prepare depositions questions for Osterhoudt, Dougherty and Osborne	7.50	300.00	2,250.00

9/1/2008	Prepare deposition questions for Osterhoudt Dougherty, and Osborne	5.00	300.00	1,500.00
09/01/2008	Trial preparation; prepare exhibits for use at trial	2.00	300.00	600.00
09/01/2008	Analyze discovery responses	2.00	300.00	600.00
09/02/2008	Analyze discovery responses and correspond with opposing counsel	5.00	300.00	1,500.00
09/02/2008	Prepare for Osborne deposition; select exhibits a review discovery responses	4.00	300.00	1,200.00
09/03/2008	Prepare for Osborne deposition; select exhibits a review discovery responses	3.00	300.00	900.00
09/03/2008	Prepare for discovery conference w/opposing counsel on failure to respond to RFP and abusive paper production of irrelevant and unresponsive documents	3.00	300.00	900.00
9/4/2008	Prepare for motion to compel and for sanctions	3.20	300.00	2,460.00
09/04/2008	Prepare for Shively deposition; defend deposition	3.20	300.00	960.00
09/05/2008	Prepare for Dougherty deposition and take deposition	9.20	300.00	2,760.00
09/06/2008	Prepare for Lindwall and Osterhoudt depositions	4.00	300.00	1,200.00
9/7/2008	Prepare for Lindwall and Osterhoudt depositions and Davidson deposition	5.30	300.00	1,590.00
09/07/2008	Supplement discovery to defendant	1.00	300.00	300.00
09/08/2008	Prepare for and take deposition of Caroline Davidson	4.10	300.00	1,230.00
09/09/2008	Prepare exhibits for trial and depositions	4.30	300.00	1,290.00
09/10/2008	Prepare exhibits for trial and depositions	2.10	300.00	630.00
09/12/2008	Prepare for Lindwall and Osterhoudt depositions	4.20	300.00	1,260.00
09/13/2008	Prepare for Lindwall and Osterhoudt depositions	6.10	300.00	1,830.00
09/14/2008	Prepare for Lindwall and Osterhoudt depositions	4.30	300.00	1,290.00
9/15/2008	Prepare for Lindwall and Osterhoudt depositions	1.30	300.00	1,590.00
09/15/2008	Defend Radio deposition	3.00	300.00	900.00

09/16/2008 Prepare for Lindwall and Osterhoudt depositions	1.20	300.00	1,560.00
09/16/2008 Take Lindwall deposition	3.50	300.00	1,050.00
09/16/2008 Prepare reply to motion for sanctions	2.10	300.00	630.00
09/17/2008 Prepare for Osterhoudt deposition	2.10	300.00	1,230.00
09/17/2008 Take Osterhoudt deposition	7.00	300.00	2,100.00
09/17/2008 Prepare reply to motion for sanctions and discovery	1.00	300.00	300.00
09/18/2008 Prepare reply to motion for sanctions	4.00	300.00	1,200.00
09/22/2008 Prepare for Dougherty deposition and take deposition	8.30	300.00	2,490.00
09/24/2008 Research on motion to strike and surreply	1.50	300.00	450.00
09/25/2008 Research on motion to strike and surreply	5.90	300.00	1,770.00
09/26/2008 Conference w/client	2.50	300.00	750.00
09/26/2008 Motion to strike surreply	4.30	300.00	1,290.00
09/28/2008 Trial preparation-document selection	6.50	300.00	1,950.00
09/30/2008 Motion to strike surreply	1.30	300.00	390.00
10/01/2008 Research motion for clarification	2.10	300.00	630.00
10/07/2008 Trial preparation	4.00	300.00	1,200.00
10/10/2008 Respond to motion to compel	4.50	300.00	1,350.00
10/12/2008 Respond to motion to compel	2.50	300.00	750.00
10/13/2008 Respond to motion to compel	1.00	300.00	300.00
10/16/2008 Trial preparation-select trial documents from initial disclosures	2.50	300.00	750.00
10/17/2008 Prepare jury instructions for trial-first amendment Section 1983; research on elements	4.30	300.00	1,290.00
10/23/2008 Research into privilege log as evidence	2.50	300.00	750.00
10/24/2008 Meet w/client regarding factual issues	0.60	300.00	180.00
10/27/2008 Meet w/client--trial preparation	4.50	300.00	1,350.00

10/30/2008	Prepare response to summary judgment	5.80	300.00	1,740.00
10/31/2008	Prepare response to summary judgment motion	5.30	300.00	1,590.00
11/04/2008	Prepare response to motion for summary judgment	2.00	300.00	600.00
11/05/2008	Prepare response to motion for summary judgment	3.12	300.00	936.00
11/06/2008	Prepare response to motion for summary judgment	5.00	300.00	1,500.00
11/07/2008	Prepare response to motion for summary judgment	6.80	300.00	2,040.00
11/10/2008	Respond to summary judgment motion and research	4.00	300.00	1,200.00
11/11/2008	Respond to summary judgment motion and research	7.00	300.00	2,100.00
11/16/2008	Respond to summary judgment motion and research on motion to strike "expert" testimony	14.50	300.00	4,350.00
11/20/2008	Motion to strike and privilege research	4.90	300.00	1,470.00
11/21/2008	Prepare response to motion to strike	4.50	300.00	1,350.00
11/23/2008	Prepare response to motion to strike	7.00	300.00	2,100.00
12/01/2008	Engage in settlement conference and discuss settlement w/Keith Scully	1.00	300.00	300.00
12/05/2008	Meet w/client and consolidated case participants prepare letter of settlement	2.30	300.00	690.00
12/05/2008	Prepare documents for trial	3.50	300.00	1,050.00
12/08/2008	Prepare exhibits for trial	4.30	300.00	1,290.00
12/12/2008	Prepare exhibits for trial	9.40	300.00	2,820.00
12/13/2008	Prepare exhibits for trial	9.30	300.00	2,790.00
12/14/2008	Prepare exhibits for trial	5.00	300.00	3,600.00
12/14/2008	Privilege issue and inadvertent waiver with Reilly	2.00	300.00	600.00
12/15/2008	Prepare pretrial statement	14.00	300.00	4,200.00
12/15/2008	Privilege issue with Reilly	1.00	300.00	300.00
12/16/2008	Privilege issue w/Reilly; research waiver and write response	4.00	300.00	1,200.00

12/16/2008	Prepare motion to compel privilege material due to inadequate privilege log	6.00	300.00	1,800.00
12/17/2008	Prepare for mediation and attend mediation	4.00	300.00	1,200.00
12/17/2008	Trial preparation; match exhibits with witnesses	7.00	300.00	2,100.00
12/18/2008	Trial preparation-direct and cross examination preparation w/exhibits	8.40	300.00	2,520.00
12/18/2008	Deposition digest for Linda Dougherty, Vol. I and II	2.10	300.00	630.00
12/19/2008	Deposition digest for Linda Dougherty, Vol. I and II	3.50	300.00	1,050.00
12/19/2008	Trial preparation - direct examination preparation	7.20	300.00	2,160.00
12/20/2008	Trial preparation-opening statement development	5.30	300.00	1,590.00
12/20/2008	Trial preparation-opening statement with exhibits	2.10	300.00	630.00
12/21/2008	Trial preparation - opening statement with exhibit	5.32	300.00	1,596.00
12/29/2008	Prepare motions in limine	4.20	300.00	1,260.00
12/29/2008	Trial preparation; research qualified immunity,	5.30	300.00	1,590.00
12/30/2008	Prepare motions in limine	5.10	300.00	1,530.00
12/30/2008	Trial preparation; research qualified immunity, Monell elements	4.10	300.00	1,230.00
12/31/2008	Trial preparation; research qualified immunity, Monell elements	2.10	300.00	630.00
01/01/2009	Revise Pretrial Statement - add undisputed facts	5.30	300.00	1,590.00
01/01/2009	Trial preparation; research qualified immunity, Monell elements	3.50	300.00	1,050.00
01/02/2009	Meet w/client; trial preparation; exhibit revisions	3.50	300.00	1,050.00
01/03/2009	Meet w/client; trial preparation; exhibit revisions	5.30	300.00	1,590.00
01/04/2009	Meet w/client; trial preparation; exhibit revisions	6.40	300.00	1,920.00
01/05/2009	Prepare cross examination of Sue Osterhoudt	8.50	300.00	2,550.00
01/06/2009	Research issues pertaining to appropriate sanctions	7.50	300.00	2,250.00

01/06/2009	Prepare for witness interviews with Davis and Foxworthy	2.10	300.00	630.00
01/07/2009	Research issues pertaining to appropriate sanctions for inadequate privilege log and sanctions	1.50	300.00	450.00
01/07/2009	Prepare for witness interviews with Davis and Foxworthy	1.50	300.00	450.00
01/07/2009	Digest depositions for Lindwall and Dougherty	7.50	300.00	2,250.00
01/12/2009	Prepare for meeting w/and meet and confer with opposing counsel and co-counsel about trial exhibits	5.30	300.00	1,590.00
01/12/2009	Prepare expert witness for trial; travel to Kirkland-meet w/Dr. Radlo	2.10	300.00	630.00
01/12/2009	Prepare for witness/colleague meeting and conduct meeting	2.10	300.00	630.00
01/13/2009	Prepare for witness/colleague meeting and conduct meeting	2.00	300.00	600.00
01/13/2009	Prepare for witness/colleague meeting	4.00	300.00	1,200.00
01/13/2009	Jury instructions and verdict form	4.00	300.00	1,200.00
01/15/2009	Prepare for witness/colleague meeting and conduct meeting	7.12	300.00	2,136.00
01/16/2009	Meet w/witness to prepare for trial	2.50	300.00	750.00
01/16/2009	Prepare objections to defendants exhibits in pretrial statements	7.00	300.00	2,100.00
01/17/2009	Work w/witnesses to prepare for trial-Nassrin and Mina; continue working on pretrial statement exhibits--prioritize for trial and withdraw certain exhibits	4.30	300.00	1,290.00
01/18/2009	Work on pretrial statement-prioritize exhibits for trial and withdraw certain exhibits; lodge objections to defendants exhibits	13.50	300.00	4,050.00
01/19/2009	Respond to motions in limine; rework exhibits for pretrial statement	6.60	300.00	1,980.00
01/20/2009	Respond to motions in limine; conference with the Court; review "privilege log" for samples	7.00	300.00	2,100.00

01/21/2009	Meet w/witness for trial; finalize objections and withdrawals of exhibits; identify documents for special discovery master	6.00	300.00	1,800.00
01/22/2009	Prepare special master brief and assemble exhibits and documents from files as example for special master	7.00	300.00	2,100.00
01/22/2009	Finalize exhibit withdrawals and objections	5.20	300.00	1,560.00
01/23/2009	Finish special master brief and declaration - with exhibits and examples from paper files	6.30	300.00	1,890.00
01/23/2009	Reply to opposition to Barahimi's motions in limin research issues raised in response and write brief	7.40	300.00	2,220.00
01/24/2009	Finalize writing up interview notes for Tamara Davis and Robert Foxworthy; prepare first cut of questions for Barahimi family	5.20	300.00	1,560.00
01/26/2009	Trial preparation; identify inconsistencies in expectations for assignments between Lindwall, Osterhoudt, and Dougherty; prepare profile for Linda Dougherty; review deposition testimony for Lindwall, Osterhoudt, and Dougherty	7.60	300.00	2,280.00
01/27/2009	Trial preparation; identify inconsistencies in expectations for assignments between Lindwall, Osterhoudt, and Dougherty; prepare profile for Linda Dougherty; review deposition testimony for Lindwall, Osterhoudt, and Dougherty	4.30	300.00	1,290.00
01/27/2009	Prepare response to defendants' statement to special master	4.00	300.00	1,200.00
01/28/2009	Respond to defendants' letter to special master; draft opening statement-first draft	5.48	300.00	1,644.00
01/28/2009	Finalize pretrial order	5.00	300.00	1,500.00
01/29/2009	Prepare for meeting with John Shively; meet w/Shively and Moxon	4.30	300.00	1,290.00
01/29/2009	Prepare witness testimony; direct testimony for Hossein, Nassrin, and Mina; research compensatory damages and elements	3.50	300.00	1,050.00
01/30/2009	Prepare witness testimony; direct testimony for Hossein, Nassrin, and Mina; research compensatory damages and elements	7.30	300.00	2,190.00

01/31/2009	Work on jury instructions, opening statement and direct examination of witnesses	5.30	300.00	1,590.00
02/01/2009	Trial preparation-witness direct examination and anticipated cross examination for co-workers	8.50	300.00	2,550.00
02/02/2009	Prepare direct examination for Barahimi family; w cross examination questions	2.30	300.00	690.00
02/03/2009	Prepare to meet witness; meet witness; prepare witness interview notes	5.30	300.00	1,590.00
02/03/2009	Prepare for telephonic conference w/Judge Pechman to conduct conference	2.90	300.00	870.00
02/04/2009	Research Pickering balance; meet w/opposing counsel on jury instructions	4.30	300.00	1,290.00
02/04/2009	Tour federal court for trial technology	1.50	300.00	450.00
02/04/2009	Work on juror questionnaire and trial brief-research Pickering Balance	2.10	300.00	630.00
2/5/2009	Finalize jury instructions; edit proposed juror questionnaire	7.2	300.00	2,160.00
02/06/2009	Reviewed all jury instructions; made format changes; trial preparation - select exhibits for individual witnesses; prepare cross exam for Osterhoudt	3.50	300.00	1,050.00
02/08/2009	Trial preparation - witness direct examination questions for Nassrin and Mina	3.20	300.00	960.00
02/08/2009	Read all motions in limine; prepare for pretrial conference	3.20	300.00	960.00
02/09/2009	Prepare for status conference; attend status conference	5.00	300.00	1,500.00
02/10/2009	Research Rule 15(b) motion; prepare motion to amend complaint to add access to courts violation re 2004 lawsuit	3.40	300.00	1,020.00
02/11/2009	Finalize rule 15(b) motion; prepare witness for trial; meet w/witness and develop questions for witness; respond to Court's inquiries about 2004 lawsuit	8.70	300.00	2,610.00
02/12/2009	Trial preparation; witness direct examinations for co-workers; research on issues of public concern	9.50	300.00	2,850.00

02/13/2009	Exhibit reductions	7.30	300.00	2,190.00
02/13/2009	Selecting exhibits for witness direct and cross examination	2.50	300.00	750.00
02/14/2009	Selecting exhibits for witness direct and cross examination	7.50	300.00	2,250.00
02/15/2009	Research on protected activity; prepare exhibits trial; select exhibits for witnesses direct and cross	8.50	300.00	2,550.00
02/16/2009	Trial preparation; exhibit selection for witnesses direct and cross examinations; conference with client regarding comparables and exhibits	8.50	300.00	2,550.00
02/17/2009	Prepare cross examination chapters for Sue osterhoudt - from declatations and 2005 and 2008 volumes of deposition transcripts	7.40	300.00	2,220.00
02/18/2009	Prepare cross examination chapters for Sue Osterhoudt - from declarations and 2005 and 2008 volumes of deposition transcripts	8.30	300.00	2,490.00
02/19/2009	Analyze 2/19/09 privilege log; identify documents inappropriately withheld as privileged	5.20	300.00	1,560.00
02/20/2009	Meet w/paralegal to set conditions for opposing counsel review of documents; meet w/Nancy Anderson; prepare for telephonic conference w/Judge Pechman regarding waiving privilege	5.30	300.00	1,590.00
02/21/2009	Prepare list of inconsistencies from all of Osterhc sworn testimony; prepare chapters for her cross examination identifying each area of testimony and comparing it for consistency; digesting all deposition transcripts	5.20	300.00	1,560.00
02/22/2009	Prepare list of inconsistencies from all of Osterhc sworn testimony; prepare chapters for her cross examination identifying each area of testimony and comparing it for consistency; digesting all deposition transcripts	5.20	300.00	1,560.00
02/23/2009	Digest defendants and adverse witness sworn testimony; identify exhibits to be used for witnesses at trial	7.50	300.00	2,250.00
02/23/2009	Review "privileged" documents identified by defense counsel	1.50	300.00	450.00
02/24/2009	Trial preparation; compare all sworn testimony	6.30	300.00	1,890.00

02/25/2009	Digest defendants and adverse witness sworn testimony; identify exhibits to be used for witnesses at trial	6.30	300.00	1,890.00
02/25/2009	Revise exhibits and pretrial order	3.50	300.00	1,050.00
02/26/2009	Digest defendants and adverse witness sworn testimony; identify exhibits to be used for witnesses at trial	3.50	300.00	1,050.00
02/26/2009	Review "privileged" documents identified by defense counsel	4.20	300.00	1,260.00
02/26/2009	Revise exhibits and pretrial order	1.50	300.00	450.00
02/26/2009	Trial preparation; meet w/K. Scully to discuss trial strategy and witnesses	2.50	300.00	750.00
02/27/2009	Digest defendants and adverse witness sworn testimony; identify exhibits to be used for witnesses at trial	5.30	300.00	1,590.00
02/27/2009	Revise exhibits and pretrial order	2.00	300.00	600.00
02/27/2009	Draft response to motion for reconsideration	5.20	300.00	1,560.00
03/01/2009	Review "privileged" documents identified by defendants; prepare letter and transmittal to Lane Powell	2.00	300.00	600.00
03/01/2009	Prepare plaintiff testimony and exhibits for trial	6.00	300.00	1,800.00
03/02/2009	Prepare direct examination of client	7.40	300.00	2,220.00
03/02/2009	Work on opening statement	2.10	300.00	630.00
03/03/2009	Prepare for meeting with witness and meet w/Rafael Goforth	4.90	300.00	1,470.00
03/03/2009	Work on opening statement	1.20	300.00	360.00
03/03/2009	Work on demonstrative exhibits; travel to Novelty area and take videos and photographs	2.10	300.00	630.00
03/04/2009	Refine direct examination of Mr. Barahimi	5.30	300.00	1,590.00
03/04/2009	Work on demonstrative exhibits; travel to Novelty area and take videos and photographs	3.20	300.00	960.00

03/05/2009	Prepare trial demonstrative exhibits	3.50	300.00	1,050.00
03/05/2009	Work on question for voir dire	2.10	300.00	630.00
03/06/2009	Meet w/client and prepare for trial	3.00	300.00	900.00
03/06/2009	Trial preparation; revise direct examination for plaintiff	6.30	300.00	1,890.00
03/07/2009	Meet w/client and prepare for trial	6.50	300.00	1,950.00
03/09/2009	Trial preparations; prepare for status conference; attend status conference; revise neutral statement	8.40	300.00	2,520.00
03/10/2009	Trial preparation; research qualified immunity and Pickering Balance	5.30	300.00	1,590.00
03/10/2009	Prepare for co-worker witnesses	4.20	300.00	1,260.00
03/10/2009	Travel to Novelty Hill area and take photos	2.50	300.00	750.00
03/11/2009	Prepare for Davis meeting; interview witness; write notes from interview	5.30	300.00	1,590.00
03/11/2009	Trial preparation; prepare voir dire questions	4.30	300.00	1,290.00
03/12/2009	Research on qualified immunity; final policymaking authority; and Pickering Balance	8.50	300.00	2,550.00
03/13/2009	Trial preparation; opening statement; research on final policymaking authority; qualified immunity	9.50	300.00	2,850.00
03/13/2009	Finalize neutral statement	2.10	300.00	630.00
03/14/2009	Digest all sworn testimony for Jennifer Lindwall; work on opening statement	4.00	300.00	1,200.00
03/16/2009	Trial prep; identify items of proof and determine v witness w/present the requisite evidence; compare exhibits w/witnesses to ensure that all witnesses can identify needed exhibits	7.50	300.00	2,250.00
03/16/2009	Prepare opening statement; prepare all exhibits for opening	3.10	300.00	930.00
03/17/2009	Trial prep; identify items of proof and determine v witness w/present the requisite evidence; compare exhibits w/witnesses to ensure that all witnesses can identify needed exhibits	5.20	300.00	1,560.00
03/17/2009	Prepare witness Nassrin Barahimi	4.50	300.00	1,350.00

03/18/2009	Trial prep; identify items of proof and determine v witness w/present the requisite evidence; compare exhibits w/witnesses to ensure that all witnesses can identify needed exhibits	7.60	300.00	2,280.00
03/18/2009	Prepare opening statement; prepare all exhibits f opening	1.50	300.00	450.00
03/19/2009	Trial prep; identify items of proof and determine v witness w/present the requisite evidence; compare exhibits w/witnesses to ensure that all witnesses can identify needed exhibits	4.30	300.00	1,290.00
03/19/2009	Review all defense exhibits for objections	5.20	300.00	1,560.00
03/20/2009	Trial prep; identify items of proof and determine which witness w/present the requisite evidence; compare exhibits w/witnesses to ensure that all witnesses can identify needed exhibits	5.50	300.00	1,650.00
03/21/2009	Trial prep; identify items of proof and determine v witness w/present the requisite evidence; compare exhibits w/witnesses to ensure that all witnesses can identify needed exhibits	6.40	300.00	1,920.00
03/22/2009	Prepare opening statement; prepare all exhibits f opening	4.30	300.00	1,290.00
03/22/2009	Review all defense exhibits for objections	3.70	300.00	1,110.00
03/23/2009	Trial and trial prep; review all direct examinations and exhibits; compare admitted evidence with requisite areas of proof; review directed verdict case law to ensure survival with plaintiff's evidence	9.50	300.00	2,850.00
03/24/2009	Trial and trial prep; review all direct examinations and exhibits; compare admitted evidence with requisite areas of proof; review directed verdict case law to ensure survival with plaintiff's evidence	9.60	300.00	2,880.00
03/25/2009	Trial and trial prep; review all direct examinations and exhibits; compare admitted evidence with requisite areas of proof; review directed verdict case law to ensure survival with plaintiff's evidence	7.30	300.00	2,190.00
03/26/2009	Trial and trial prep; review all direct examinations and exhibits; compare admitted evidence with requisite areas of proof; review directed verdict case law to ensure survival with plaintiff's evidence	8.40	300.00	2,520.00

03/27/2009	Prepare cross examination for Sue Osterhoudt; review all transcripts and other sworn testimony	9.50	300.00	2,850.00
03/28/2009	Prepare cross examination for Sue Osterhoudt; review all transcripts and other sworn testimony	6.30	300.00	1,890.00
03/28/2009	Prepare direct examination for Dr. Whittington	3.70	300.00	1,110.00
03/29/2009	Prepare direct examination for Dr. Whittington	1.40	300.00	420.00
03/29/2009	Prepare direct examinations for comparator witnesses	5.20	300.00	1,560.00
03/30/2009	Preparation for trial and attend trial	9.50	300.00	2,850.00
03/31/2009	Preparation for trial and attend trial	10.40	300.00	3,120.00
04/01/2009	Preparation for trial and attend trial	10.80	300.00	3,240.00
04/01/2009	Research and write Pickering analysis brief	2.50	300.00	750.00
04/02/2009	Preparation for trial and attend trial	7.00	300.00	2,100.00
04/05/2009	Prepare for trial; review exhibits for any rebuttal testimony from Hossein	6.30	300.00	1,890.00
04/06/2009	Prepare for rebuttal and for defense witness cros examination; trial day	8.40	300.00	2,520.00
04/20/2009	Research Rule 58 motion and Pickering balancin prepare Rule 58 motion for entry of judgment	2.10	300.00	630.00
04/21/2009	Research Rule 58 motion and Pickering balancin prepare Rule 58 motion for entry of judgment	1.50	300.00	450.00
04/22/2009	Respond to CR 50 motion	4.20	300.00	1,260.00
04/30/2009	Prepare response to CR 50(b) motion	5.20	300.00	1,560.00
05/02/2009	Prepare response to CR 50(b) motion	4.30	300.00	1,290.00
05/03/2009	Prepare response to CR 50(b) motion	3.70	300.00	1,100.00
05/04/2009	Prepare response to CR 50(b) motion	7.50	300.00	2,250.00
05/11/2009	Finalize response to CR 50(b) motion	3.20	300.00	960.00
05/26/2009	Prepare fee petition	1.00	300.00	300.00
05/28/2009	Prepare fee petition	2.00	300.00	600.00

Legal Fees	368,157.00
Less:	-13,706.40
Total Legal Fees:	354,450.60

Paralegal services:

02/08/2007	Proof and edit Tort Claim	2.20	110.00	242.00
03/02/2007	Finalize Tort Claim; organize client's Initial Disclosure documents	6.40	110.00	704.00
11/02/2007	Review documents for inclusion in Initial Disclosures	2.60	110.00	286.00
12/04/2007	Review documents for inclusion in Initial Disclosures	0.90	110.00	99.00
01/09/2008	12/4/07 T/C client re: Initial Disclosures, Joint Status Report, and Discovery Plan (.4); 12/7/07 Meeting with client re: Initial Disclosure documents and witnesses (2.0); 12/11/07 T/C client re: documents and witnesses for Initial Disclosures; T/Cs Mark Stockdale re: scheduling discovery conference (.8); 12/12/07 T/C opposing counsel re: scheduling discovery conference; begin to draft Initial Disclosures (2.6); 12/14/07 Begin to work on Initial Disclosures (.8); 12/17/07 Work on Initial Disclosures (.8); 12/18/07 Work on Initial Disclosures; T/C client re: additional information for witnesses and documents (1.4); 12/19/07 Emails from and to client re: Initial Disclosures, witnesses, and documents (.6); 12/20/07 Work on Initial Disclosures; begin to draft Joint Status Report and Discovery Plan (1.0); 12/21/07 Meeting with client re: Initial Disclosures (3.0); 12/30/07 Continue to draft Initial Disclosures; review email from client and incorporate additional witness names and descriptions into Initial Disclosures (1.7)	15.10	110.00	1,661.00
02/01/2008	1/3/08 T/Cs client re: initial disclosures; continue work on initial disclosures (3.2); 1/4/08 Bates-stamp, copy, and assemble documents for initial disclosures (4.2); 1/7/08 Meeting with client re: additional disclosure	17.00	110.00	1,870.00

1/8/09 Work on initial disclosures; Bates-stamp
additional disclosure documents (.8);
1/9/08 Review email and attachments from client
re: 2007 PA appeal; continue to draft Joint Status
Report and Discovery Plan; fax to opposing
counsel (2.2);

1/10/08 T/C from opposing counsel re: draft of
Joint Status Report and Discovery Plan (.2);

1/15/08 Several T/Cs opposing counsel re:
Joint Status Report and Discovery Plan (.4);

1/16/08 Review letter from opposing counsel and
begin to incorporate suggested language into
Joint Status Report (.6);

1/17/08 Continue work on second draft of Joint
Status Report and Discovery Plan and incorporate
additional language suggested by opposing
counsel; fax letter and second draft to defense
counsel ; prepare third draft of Joint Status Report
and Discovery Plan; fax additional letter and third
draft to defense counsel (1.2);

1/18/08 Review court rules re: discovery cutoff
date and mediation (.4);

1/22/09 Prepare fourth draft of Joint Status
Report and Discovery Plan; fax letter to opposing
counsel; electronically file Joint Status Report and
Discovery Plan; T/C client re: video deposition
set for February 14, 2008 (.8);

1/29/08 T/Cs opposing counsel re: Barahimi
video deposition (.2);

1/31/09 T/C client re: video deposition,
preparation for deposition, and his summons
for jury duty (.2);

03/05/2008	2/1/08 T/C client re: jury duty and deposition (.2); 2/4/08 T/C client re: jury duty and deposition (.2); 2/5/08 T/C client re: jury duty, discovery plan, and status of case; T/C opposing counsel to cancel video deposition of plaintiff (.6)	1.00	110.00	110.00
04/03/2008	3/7/08 T/C client re: deposition and preparation (. 3/12/08 T/C client to cancel deposition preparation appointment and to notify client of cancellation of deposition (.2)	0.40	110.00	44.00
5/2/2008	Draft Response to Motion to Consolidate and Orc Granting Motion to Consolidate in Seattle case; delivery instructions and email to Barahimi counsel in Seattle lawsuit (2.4)	2.40	110.00	264.00

6/20/08 T/C client re: discovery responses and deposition; T/C Keith Scully re: scheduling order (.4);
6/24/08 T/Cs and email from client re: deposition and discovery responses; T/C client re: previous deposition transcripts (.8);
6/26/08 T/C opposing counsel to request discovery via email; work on discovery responses (.8)

08/02/2008 7/1/08 Locate and copy documents pertaining to first litigation (1.2); 18.50 110.00 2,035.00
7/2/08 Work on discovery responses (2.4);
7/3/08 Work on discovery responses (1.8);
7/7/08 Continue to work on discovery responses (2.0);
7/8/08 T/C client re: deposition exhibits and discovery responses; work on discovery responses; review additional documents from client (2.5)
7/9/08 T/C client re: documents which may be responsive to discovery requests; T/C client re: review of discovery responses (.8);
7/10/08 Bates-stamp and copy discovery documents; prepare service instructions for discovery responses; prepare Notice of Unavailability and electronically file and serve (2.0);
7/11/08 T/C client re: review of his deposition transcript (.4);
7/15/08 Proof and edit discovery to defendants; prepare service instructions (1.6);
7/17/08 T/C client re: deposition transcript review and evaluation set by defense for July 28 (.4);
7/18/08 Docket due date for defendants' second discovery requests; email discovery requests to client; docket due dates in Third Amended Order Setting Trial Date and Related Dates (1.2);
7/24/08 Review client's changes to deposition transcript; prepare corrections to deposition transcript; email client re: deposition transcript corrections (1.6);
7/25/08 Letter to opposing counsel re: depositions (.6)

09/10/2008 8/12/08 T/C client re: Requests for Admissions and responses; T/C opposing counsel to obtain second discovery set to Barahimi (.8); 19.00 110.00 2,090.00
8/13/08 T/C and email client Requests for Admission; begin to draft discovery responses to second discovery requests; initial review of client

8/14/08 Work on responses to second discovery

requests; continue to review responsive documents;
meeting with client re: discovery responses and
documents; T/C opposing counsel re: second
discovery requests (3.0);

8/15/08 Meeting with client re: discovery responses
and depositions; T/Cs Dr. Mendenhall and
Dr. Whittington re: depositions (1.8);

8/18/08 T/Cs Dr. Mendenhall and Dr. Whittington
re: depositions; T/Cs opposing counsel re:
depositions; calendar upcoming depositions set
by plaintiff and defendants; T/C Dr. Mendenhall
re: meeting before deposition (1.8);

8/19/08 Prepare Notices of Deposition for Sue
Osterhoudt, Jay Osborne, and Linda Dougherty;
T/C court reporter (2.0);

8/21/08 T/Cs Dr. Whittington re: deposition; T/Cs
opposing counsel re: deposition schedule; T/C
client re: deposition schedule; T/C opposing
counsel re: deposition of Dave Gualtieri; prepare
Notices of Deposition and service instructions for
Caroline Davidson and Jennifer Lindwall (2.6);

8/22/08 T/Cs opposing counsel re: depositions of
Dave Gualtieri and Dr. Whittington; email opposing
counsel unavailable dates for depositions; T/C
court reporter re: length of Barahimi deposition;
review Barahimi transcript and determine time
remaining for Barahimi deposition (1.6);

8/28/08 T/Cs opposing counsel re: depositions;
T/Cs Dr. Radlo's office to set up deposition;
prepare Subpoena Duces Tecum for Caroline
Davidson (1.8);

8/29/08 Finalize Subpoena Duces Tecum to
Caroline Davidson ; send fee schedule for Dr. Radlo
to opposing counsel; attempts to locate address
for process service of Subpoena Duces Tecum and
Notice of Deposition on Caroline Davidson (1.8)

10/01/2008	9/2/08 T/Cs opposing counsel re: depositions of Dr. Radlo and Jennifer Lindwall; T/Cs court reporter to confirm depositions of Jay Osborne and Jennifer Lindwall (.8); 9/3/08 Review deposition schedule to confirm cancellation of Jeff Lee deposition; T/Cs Caroline Daavidson re: service of Subpoena Duces Tecum and Notice of Deposition (.8); 9/4/08 Order Jay Osborne deposition transcript; work on responses to Requests for Admission; draft Subpoena to Bruce Taylor; draft Subpoena to Russell Vandenbelt (2.2);	32.40	110.00	3,564.00
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9/5/08 T/Cs court reporter re: depositions of Linda Dougherty and Caroline Davidson; T/C Caroline Davidson re: witness fee and to remind her to bring all documents listed in the Subpoena Duces Tecum; prepare process service instructions for service of Subpoena on Russell Vandenberg, M.D. T/Cs Bruce Taylor re: Subpoena; prepare notebook for Judge Pechman containing Motion to Compel Discovery and all supporting documents and exhibits; T/C process server re: status of service of Subpoena on Dr. Vandenberg; electronically file Certificate of Service re: Motion to Compel; locate address for Bruce Taylor for process service of Subpoena; email opposing counsel re: accepting process service for Dr. Vandenberg (6.0);

9/9/08 Fax Notices of Deposition and Subpoenas to Drs. Radlo and Whittington; continue to work on responses to Requests for Admission; T/Cs Bruce Taylor; T/Cs process server to check on service of Subpoena (2.7);

9/10/08 T/Cs Bruce Taylor re: Subpoena; finalize responses to Requests for Admission; prepare service instructions; copy and assemble additional responsive discovery documents; email Bruce Taylor Subpoena for records (4.6);

9/11/08 T/C opposing counsel re: deposition of Linda Dougherty; prepare Notice of Deposition for Linda Dougherty continuing deposition; prepare service instructions; transmit copies of Vandenberg and Taylor Subpoenas to opposing counsel; review personal injury documents (2.2);

9/12/08 Review, copy, assemble, and Bates-stamp client's personal injury claim documents; letter to opposing counsel enclosing personal injury claim documents; prepare service instructions; review and copy Whittington medical records; letter to Dr. Whittington enclosing deposition transcript and medical records; T/C Dr. Whittington (3.5);

T/Cs court reporter re: depositions (.4);

9/19/08 Proof and edit Reply Declaration of Susan Mindenbergs and Hossein Barahimi's Declaration in Support of His Motion to Compel Discovery and for Sanctions; prepare Certificate of Service; electronically file Reply Declarations and Certificate of Service; prepare Certificate of Service for Chen Declaration; T/C Dr. Chen re: drafting his declaration; prepare initial draft of Chen Declaration (4.2);

9/26/08 Prepare responses to Defendant Osterhoudt's Third Discovery Set to Plaintiff; T/C client re signature and status of our Motion to

Compel Discovery and for Sanctions (.8);
 9/29/08 Obtain cases cited in defendants' Surreply
 from King County Law Library; proof and edit
 Motion to Strike Defendants' Surreply (1.2);
 9/30/08 Continue to proof and edit Motion to Strike
 Defendants' Surreply; prepare Certificate of Service;
 electronically file Motion and Certificate of Service;
 prepare proposed Order and Certificate of Service
 for proposed Order; electronically file proposed
 Order and Certificate of Service; email proposed
 Order to Judge Pechman (3.0);

11/13/2008	10/1/08 Prepare letter and fax to Dr. Whittington re: deposition transcript (.2); 10/2/08 T/Cs Seattle Printing, Fed Ex Kinko's, and Zebra Print and Copy to obtain bids for copy project (1.2); 10/3/08 T/Cs and emails to obtain price quotes for photocopies (.4); 10/7/08 T/C and email Jim Davis re: deposition transcript notice (.4); 10/9/08 Average bids for copies; letter to opposing counsel enclosing check for copies (.8); 10/13/08 Proof and edit Plaintiff's Opposition to Defendants' Motion to Compel Discovery; edit Barahimi Declaration; prepare Mindenbergs Declaration, proposed Order, and Certificate of Service; electronically file opposition, declarations, proposed Order, and Certificate of Service; email proposed Order to Judge Pechman (5.0); 10/16/08 Letter to opposing counsel enclosing supplemental discovery document (.4); 10/22/08 Work on pleadings and discovery notebooks (3.2); 10/23/08 Work on pleadings notebooks (2.2); 10/24/08 Continue to work on pleadings notebooks; update Index to Pleadings (1.0); 10/27/08 Continue to work on pleadings notebooks (3.8); 10/29/08 Download summary judgment motion and supporting declarations; prepare working copies; email summary judgment motion and supporting declarations to client (2.0); 10/30/08 Prepare summary judgment motion notebook and update Index to Pleadings; T/C court reporter to order depositions of Sue Osterhoudt, Linda Dougherty, and Caroline Davidson (1.4)	22.00	110.00	2,420.00
01/01/2009	11/11/08 Proof and edit Summary Judgment Response; prepare declarations for Hossein	96.10	110.00	10,571.00

11/12/08 Proof and edit Summary Judgment
Response; finalize Chen declaration; continue to
pull excerpts of depositions; highlight deposition
excerpts to be attached as exhibits to
declarations (5.0);

11/13/08 Work on Barahimi declaration; continue
to work on Summary Judgment Response (4.4);

11/14/08 Work on excerpts for Response to
Summary Judgment Motion; revisions to Chen
and Barahimi declarations; revisions to Response
to Summary Judgment Motion (4.4);

11/17/08 Prepare Table of Contents and Table of
Authorities; revisions to Response to Summary
Judgment Motion; prepare notebook for judge and
highlight excerpts for judge; email proposed order
to judge; delivery instructions for judge's notebook;
prepare proposed Order and Certificate of
Service; electronically file all documents (7.0);

11/20/08 T/C from opposing counsel re: pick up of
boxes of documents and CDs; letter to opposing
counsel re: review of boxes of documents, privilege
log, and return of boxes of documents and CDs to
defense counsel's office; letter to opposing counsel
re: cell phone records (1.8);

11/24/08 Download and index opposing counsel's
Reply to Response to Summary Judgment Motion;
proof and edit Response in Opposition to Defendants'
Motion to Strike and Mindenbergs declaration;
prepare proposed Order and Certificate of Service;
email proposed Order to Judge; electronically file
Response, Mindenbergs declaration, proposed
Order, and Certificate of Service (4.6);

11/25/08 Review documents filed in Summary
Judgment Response and supporting declarations;
review Court order re: redaction of documents;
electronically file redacted versions of Chen and
Barahimi declarations in opposition to Summary
Judgment Motion (1.2);

11/26/08 Fax letter to T-Mobile re: cell phone records
request; email opposing counsel re: status of
obtaining cell phone records (.6);

12/10/08 Work on pleadings notebooks and index
to pleadings (3.8);

12/11/08 Continue to work on pleadings notebooks
and index to pleadings (4.6);

12/15/08 Copy and assemble deposition exhibits,
supplemental disclosures, and trial exhibits for
Pretrial Statement; draft letter to opposing counsel

12/16/08 Finalize letter to opposing counsel re:
supplemental disclosures; prepare delivery
instructions (.6);

12/17/08 Work on exhibits portion of Pretrial
Statement (4.4);

12/18/08 Continue to work on exhibits portion of
Pretrial Statement (7.8);

12/19/08 Continue to work on Pretrial Statement
and facilitate copying and delivery of exhibits for
Pretrial Statement to defense counsel (4.0);

12/21/08 Continue to work on Pretrial Statement (4.5);

12/22/08 Continue to work on Pretrial Statement (7.2);

12/23/08 Continue to work on Pretrial Statement;
multiple T/Cs to coordinate copying and delivery of
exhibits for Pretrial Statement to defense
counsel (7.0);

12/24/08 T/Cs Reilly and Anderson re: delivery
of exhibits for Pretrial Statement to defense
counsel (3.0);

12/26/08 Multiple T/Cs to confirm delivery of
Pretrial Statement exhibits to defense counsel;
multiple T/Cs to copying service and client re:
negotiation and payment for copying costs (1.2);

12/29/08 T/Cs client re: cell phone records and
additional trial exhibits; T/Cs Dr. Radlo, Dr.
Whittington, and Judith Mendenhall to schedule
appointments; T/Cs Tamara Davis, Eileen Kadesh,
Robert Foxworthy, Margo Christenson, John Shivley,
and David Gualtieri to obtain information for trial
subpoenas and to schedule meetings; email
template to co-counsel for Pretrial Statement (2.8);

12/30/08 Review, copy, Bates-stamp, and redact
cell phone records; letter to opposing counsel
enclosing cell phone records; proof and edit
Motions in Limine (4.6);

02/05/2009	1/5/09 T/Cs Dr. Whittington, Robert Foxworthy, John Shively, Margo Christensen, Tamara Davis, Dr. Radlo, Eileen Kadesh, and David Gualtieri to schedule meeting (1.6); 1/6/09 Download and index opposing counsel's Response to Second Motion to Compel Discovery, proposed Order, and Anderson declaration with exhibits (.6); 1/7/09 Copy, Bates-stamp, and redact additional cell phone records; letter to opposing counsel; prepare delivery instructions; T/Cs Eileen Kadesh, Margo Christensen, John Shivley, and Dr. Radlo	64.00	110.00	7,040.00
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re: meeting and trial testimony (2.8);

1/8/09 T/C Tamara Davis to reschedule meeting;

T/Cs Dr. Radlo to reschedule meeting; T/C

Whitney Hupf to schedule meeting; proof and edit

Reply; prepare Mindenbergs declaration; obtain

color copies for objections to Whittington

deposition designations (2.6);

1/9/09 Proof and edit Reply and Mindenbergs

declaration; prepare Certificate of Service;

electronically file and serve Reply, Declaration, and

Certificate of Service (2.4);

1/12/09 Prepare trial subpoenas (1.4);

1/13/09 Work on Witness notebook and witness

contact information (2.0);

1/14/09 T/C Whitney Hupf re: change of location

for meeting (.2);

1/15/09 Download and index Motions in Limine

from U. S. District Court; prepare notebooks (3.2);

1/16/09 Work on pleadings notebooks and motions

in limine notebooks, defendants' privilege log

notebooks, and medical records notebooks; update

Master Index to Pleadings notebooks (6.2);

1/19/09 Review documents; create Master Index of

files; compile Initial Disclosure, medical records,

and Pretrial Statements/Exhibits notebooks (6.5);

1/20/09 Download additional exhibits from

defendants; download defendants' Surreply and

Anderson Declaration; update pleadings notebooks

and index; work on Master Index to files (7.4);

1/21/09 Download pleadings filed in U. S. District

Court; draft, edit, and finalize letter to defendants

identifying 100 exhibits claimed privileged by

defendants; work on pleadings notebooks and

index to pleadings; attend meeting with David

Gualtieri (7.0);

1/22/09 Continue to download pleadings from

U. S. District Court; update pleadings index and

create two more volumes of pleadings; begin to

draft Appendix for Response re: waiver of privilege;

T/Cs Margo Christensen and Eileen Kadesh (2.5);

1/23/09 Continue to prepare Appendix of

defendants' privileged documents for Special

Master; prepare Appendix of parties for Special

Master; proof and edit Special Master brief;

deliver brief and supporting documents to

Judge Learned's residence (6.0);

1/26/09 T/Cs Margo Christensen, Whitney Hupf, and

John Shively re: meetings; work on inclusion of

language and witnesses for Pretrial Order (3.6);

1/27/09 T/C from Eileen Kadesh to cancel

appointment due to illness; work on witness list

and witness contact information; letters to Tamara Davis, David Gualtieri, and Robert Foxworthy;
 prepare notes of January 21 meeting with David Gualtieri and Mark Stockdale; review of defendants' edits to exhibit list; email all counsel with corrections to exhibit list (3.8);
 1/28/09 Review medical records of Drs. Radlo, Whittington, and Mendenhall; T/Cs client and Dr. Radlo's office to update medical records; send Radlo and Whittington records to all counsel; proof and edit Response to letter to Special Master (2.8);
 1/29/09 Download Pretrial Order and Attachment A from U. S. District Court; T/C Eileen Kadesh to reset appointment; T/C co-counsel re: Devereax deposition (1.4);

02/27/2009	Charges by Amy Howe-paralegal fees	13.00	100.00	1,300.00
03/27/2009	2/2/09 Work on witness notebook and trial notebook (1.8); 2/3/09 T/C Whitney Hupf re: meeting work on witness notebook (1.8); 2/4/09 T/Cs Drs. Radlo and whittington re: trial continuance; work on witness notebook; prepare remainder of notes from meeting with Dave Gualtieri and Mark Stockdale; technology class training at U. S. District Court (3.5); 2/5/09 Proof and edit Jury Questionnaire (1.2); 2/6/09 Calculate time on Second Motion to Compel Discovery and Special Master Report; prepare statement for my time; letter to opposing counsel enclosing bill (1.6); 2/10/09 T/Cs Robert Moss, Tamara Davis, John Shively, Eileen Kadesh, David Gualtieri, Robert Foxworthy, and Margo Christensen to advise of new trial date; work on witness notebook and trial notebook (2.8); 2/11/09 Work on trial notebook; docket due dates per Minute Order of February 10; work on Index to Trial notebook; prepare revised Trial Subpoena for Whitney Hupf; proof and edit Plaintiff's Motion to Amend Pleading Under 15(b) (2.8); 2/12/09 T/C Eileen Kadesh; revisions to Juror Questionnaire (.6); 2/17/09 T/Cs Dr. Whittington and Dr. Radlo re: trial testimony (.4); 2/19/09 Work on file maintenance; work on pleadings notebooks, Index to Pleadings, trial notebook, and witness notebook; obtain Osterhoudt deposition transcript from co-counsel (3.5);	26.60	110.00	2,926.00

2/24/09 Work on pleadings notebooks (3 more notebooks; update Index to Pleadings and Master Index; work on witness notebook (4.6);
2/25/09 T/C Ray Goforth set set appointment; continue to work on pleadings notebooks (3.0)

04/03/2009	<p>3/3/09 Download and index documents filed in U. S. District Court; T/Cs Dr. Radlo and Dr. Whittington (2.0);</p> <p>3/4/09 Proof, edit, and electronically file Response to Motion for Reconsideration of Order on Issues of Protected Speech and Certificate of Service (1.0);</p> <p>3/9/09 Work on trial exhibits (6.0);</p> <p>3/10/09 Continue to work on trial exhibits (5.8);</p> <p>3/11/09 Continue to work on trial exhibits (7.0);</p> <p>3/12/09 continue to work on trial exhibits (6.4);</p> <p>3/13/09 T/C Robert Foxworth re: trial date; continue to work on trial exhibits (5.6);</p> <p>3/16/09 Download and index documents electronically filed with the Court; prepare cover sheets and spine labels for exhibits notebooks for the Court; work on pleadings notebooks (5.4);</p> <p>3/17/09 Review exhibit list and designate witness for each exhibit (4.2);</p> <p>3/18/09 Work on exhibits; compile exhibits to be used during trial for each witness (5.3);</p> <p>3/19/09 Continue to work on trial exhibits notebooks (2.5);</p> <p>3/20/09 Trial preparation (7.0);</p> <p>3/21/09 Trial preparation (4.2);</p> <p>3/22/09 Trial preparation (5.0);</p> <p>3/23/09 trial (9.7);</p> <p>3/24/09 Work from privilege logs to determine dates of communications with Linda Dougherty, Jennifer Lindwall, Jay Osborne, Sue Osterhoudt, and Jim Devereux; T/Cs Margo Christensen (4.2);</p> <p>3/25/09 T/Cs Eileen Kadesh and Robert Foxworthy re: trial testimony; work on privilege log chronology for Jay Osborne and Jim Devereux (5.8);</p> <p>3/26/09 T/Cs Tamara Davis and Whitney Hupf re: trial testimony; continue to work on privilege log chronology for Jim Devereux; T/Cs John Shively, Eileen Kadesh, and Dave Gualtieri re: trial testimony (6.5);</p> <p>3/27/09 Continue to work on privilege log chronology for Jim Devereux; T/Cs Whitney Hupf, Dave Gualtieri, John Shively, and Tamara Davis re trial testimony (2.0);</p> <p>3/30/09 T/C Tamara Davis re: no need for trial testimony (.2)</p>	95.80	110.00	10,538.00
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05/01/2009 4/1/09 Download and index Motions for Judgment as a Matter of Law from U. S. District Court (.8); 11.00 110.00 1,210.00
 4/2/09 Proof, edit, and finalize Plaintiff's Argument re: Pickering Blasing (1.0);
 4/7/09 Download and index documents filed in U. S. District Court (.6);
 4/8/09 Update pleadings notebooks and Index to Pleadings (1.0);
 4/9/09 Download and index pleadings filed in U. S. District Court (.2);
 4/16/09 Work on defense statement of fees and costs (2.0);
 4/22/09 Work on statement reflecting fees and costs incurred in defense of lawsuits (1.4);
 4/23/09 Continue to draft statement reflecting fees and costs incurred in defending lawsuits (2.0);
 4/28/09 Continue to work on itemization of defense fees and costs (2.0);

05/27/2009	5/26/09 Work on itemization of fees and costs for fee petition (2.6);	13.70	110.00	1,507.00
	5/27/09 Work on itemization of fees and costs for fee petition (5.5);			
	5/28/09 Continue to work on itemization of fees and costs for fee petition (5.0);			

05/28/2009	Charges by Amy Howe-para-legal fees	105.75	110.00	11,632.50
	Paralegal Services:			62,377.50
	Paid by Lane Powell:			-1,300.00
	Total Paralegal Services:			61,077.50

Costs:

03/04/2007	Ck to ABC Legal Messengers	65.35
08/07/2007	Filing fee	200.00
09/27/2007	Ck to ABC Legal Messengers	196.75
07/02/2008	Ck to ABC Legal Messengers	10.00
07/26/2008	Ck to T-Scan, Inc. - med records	61.64
08/26/2008	Ck to Katrina Kindberg	100.00
09/07/2008	Ck to ABC Legal Messengers	18.00
09/07/2008	Ck to T-Scan, Inc. - med records	178.22
09/07/2008	Ck to T-Scan, Inc. - med records	31.56

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09/08/2008 Ck to Caroline Davidson-deposition subpoena	86.80
09/29/2008 Charge from King County Law Library	5.85
09/30/2008 Ck to ABC Legal Messengers	43.00
09/30/2008 Ck to Rostad Services	2,346.60
09/30/2008 Ck to Buell Realtime Reporting-vol 2 transcript	603.00
10/08/2008 Copying costs 48,890 copies (to Lane Powell)	785.50
11/07/2008 Ck to Chris Dusterhoff-review video	160.00
11/16/2008 Ck to Chris Dusterhoff-review documents	40.00
11/19/2008 Ck to ABC Legal Messengers-service	213.00
12/02/2008 Ck to ABC Legal Messengers-service	24.00
12/17/2008 Ck to Judicial Mediation & Arbitration Service	525.00
12/23/2008 Ck to Lane Powell, PC	400.00
12/26/2008 Seattle Printing charges - 27,550 total copies	2,534.16
12/30/2008 Ck to Rostad Services	2,271.30
01/07/2009 Ck to Margo Christensen-witness fee	50.00
01/07/2009 Ck to Robert Foxworthy-witness fee	50.00
01/07/2009 Ck to tamara Davis-witness fee	50.00
01/07/2009 Ck to David Gualtieri-witness fee	50.00
01/22/2009 Ck to Mary Jo Oxrieder-witness coach	750.00
01/29/2009 Ck to Rostad Services - Lindwall deposition	650.60
01/29/2009 Ck to Buell Realtime Reporters-Barahimi deposition transcript	464.60
01/29/2009 Ck to ABC Legal Messengers-legal process	63.30
01/29/2009 Ck to John Shively-witness fee	50.00
02/03/2009 Ck to Eileen Kadish-witness fee	50.00
02/17/2009 Ck to Katrina Kindberg-exhibits preparation	60.00
02/27/2009 Consultant paralegal - Amy Howe	1,300.00

03/01/2009 Ck to Buell Realtime Reporters-Mendenhall deposition	240.00
03/11/2009 Ck to ABC Legal Messengers-legal process	37.00
03/11/2009 Ck to King County Administration-public disclosure request	33.00
03/16/2009 Ck to King County Finance-public records	50.85
04/03/2009 Ck to Jerry Whittington, MD-treating doctor trial testimony	949.50
04/03/2009 Ck to Buell Realtime Reporters - Radlo deposition	214.60
04/03/2009 Ck to ABC Legal Messengers - service	75.00
04/06/2009 25,278 copies @ \$.15 ea.	3,791.70
04/13/2009 Ck to Westlaw	361.94
05/03/2009 trial transcripts	548.00
Total costs	20,241.82

Total legal fees and costs before receipts	450,776.32

Receipts:

02/27/2009 Received from Lane Powell (for Amy Howe overseeing document review by Lane Powell)	-1,300.00

Total receipts	-1,300.00

Total amount due	\$ 449,476.32
	=====

Patricia S. Rose
 157 Yesler Way
 Suite 503
 Seattle, WA 98104

Invoice submitted to:
 Susan Mindenbergs
 119 First Avenue South
 Suite 260
 Seattle WA 98104

May 26, 2009

Invoice # 1374

Professional Services

	<u>Hours</u>	<u>Amount</u>
<u>PSR</u>		
1/19/2008 Legal Research on Motion in Limine re inadvertent waiver of attorney-client privilege and draft response. Barahimi v. King County	4.20	1,260.00
11/8/2008 Legal research and draft motion to exclude expert as to qualification, invasion of province, and /or other bases for striking testimony regarding King County expert on project management. Barahimi v. King County	5.00	1,500.00
11/20/2008 Legal research on inadequacy of privilege log as basis for waiver of a-c-privilege Barahimi v. King County	3.00	900.00
11/21/2008 Conference with Susan regarding research topics to date. Barahimi v. King County	1.00	300.00
11/22/2008 Legal Research; draft and revise response to summary judgment and defendant's new Motion to Strike evidence from motion response on summary judgment due to privilege status. Conference with Susan re the same. Barahimi v. King County	6.20	1,860.00

EXHIBIT B

Susan Mindenbergs

Page 2

		<u>Hours</u>	<u>Amount</u>
11/24/2008	Research; revise and edit and draft new section on Response to Motion to Strike evidence produced by waiver of a-c privilege in SJ Response.	5.00	1,500.00
	Barahimi v. Kiing County		
1/7/2009	Legal Research re Defendant authority cited in their response to Plaintiff's motion to compel discovery with held and/or not not adequately divulged/ disclosed in privilege log.	2.20	660.00
	Barahimi v. Kiing County		
1/22/2009	Conference with Susan and Jeff re draft responses to defendant's motions in limine regarding comparator and co-worker testimony, opinion testimony and other pattern testimony relevant to retaliation claims. Legal research on same subjects and draft reply briefs.	5.20	1,560.00
	Barahimi v. Kiing County		
	Legal Research re privilege log issues and those raised for special master. Conference re same with Susan.	1.00	300.00
	Barahimi v. Kiing County		
2/3/2009	Conference with client, review order of special master on discovery disputes and other pre-trial issues.	0.70	210.00
	Barahimi v. Kiing County		
SUBTOTAL:		[33.50	10,050.00]
For professional services rendered		33.50	\$10,050.00

ITEMIZATION OF DEFENSE FEES AND COSTS**LANE POWELL
Attorney Fees and Costs**

Billing Date	Fees	Costs	Total
2/25/05	\$12,112.00	\$181.05	\$12,293.05
3/20/05	87,842.00	6,115.81	93,957.81
4/12/05	67,941.00	16,921.17	84,862.17
5/20/05	73,650.00	2,778.87	76,428.87
6/13/05	63,849.00	28,189.78	92,038.78
7/27/05	161,278.00	12,013.62	173,291.62
9/30/05	2,778.00	1,348.92	4,126.92
10/31/05	0.00	825.82	825.82
11/29/05	2,442.00	1,094.31	3,536.31
12/28/05	3,135.00	27.14	3,162.14
2/21/06	16,143.00	526.88	16,669.88
3/29/06	4,554.00	7.50	4,561.50
4/20/06	561.00	925.01	1,486.01
5/31/06	330.00	0.00	330.00
6/29/06	1,671.00	624.17	2,295.17
8/24/06	308.00	15.75	323.75
7/31/06	1,800.00	632.13	2,432.13
11/30/06	924.00	56.82	980.82
1/26/07	264.00	0.17	264.17
2/20/07	8,178.00	673.14	8,851.14
3/26/07	12,346.50	115.33	12,461.83
4/27/07	726.00	0.90	726.90
4/27/07	132.00	0.00	132.00
5/28/07	14,726.50	278.20	15,004.70
9/24/07	6,339.00	205.18	6,544.18
9/24/07	153.00	0.00	153.00
10/31/07	25,119.00	907.36	26,026.36
10/31/07	905.00	0.00	905.00
11/30/07	28,594.50	1,232.40	29,826.90
12/28/07	99.00	10.38	109.38
1/29/08	1,386.00	15.90	1,401.90
2/27/08	1,817.00	277.44	2,094.44
2/27/08	5,313.00	1,719.83	7,032.83
3/20/08	662.00	32.70	694.70
3/20/08	8,821.00	1,554.28	10,375.28

ITEMIZATION OF DEFENSE
FEES AND COSTS
(Cause No. 04-0987MJP) - 1

EXHIBIT C

4/25/08	12,138.00	990.38	13,128.38
4/25/08	3,604.00	256.87	3,860.87
5/23/08	1,452.00	259.72	1,711.72
5/23/08	1,803.00	9.61	1,812.61
6/26/08	1,813.00	25.35	1,838.35
6/26/08	627.00	0.18	627.18
7/29/08	40,692.00	103.65	40,795.65
7/29/08	85.50	400.61	486.11
8/29/08	20,964.00	1,719.60	22,683.60
9/29/08	79,050.00	13,804.73	92,854.73
10/30/08	101,376.00	16,389.78	117,765.78
11/30/08	61,320.00	9,863.71	71,183.71
12/31/08	52,877.50	7,829.60	60,707.10
3/23/09	211,564.50	41,427.31	252,991.81
4/16/09	170,492.50	16,374.83	186,867.33
TOTAL			\$1,565,522.20

BUCK & GORDON/GORDON DERR
Attorney Fees and Costs

1/31/05	\$22,908.75	\$699.97	\$23,608.72
2/28/05	92,738.00	3,979.35	96,717.35
3/31/05	97,238.00	11,888.55	109,126.55
4/30/05	66,345.50	6,182.32	72,527.82
5/31/05	31,587.00	1,902.69	33,490.19
6/30/05	96,573.00	4,236.07	100,809.07
6/30/05	796.50	0.00	796.50
7/31/05	3,855.00	114.51	3,969.51
8/31/05	825.00	184.04	1,009.04
10/31/05	1,150.00	0.00	1,150.00
11/30/05	7,365.00	19.35	7,384.35
12/31/05	1,375.00	7.20	1,382.20
1/31/06	5,100.00	31.30	5,131.30
2/28/06	570.00	5.41	575.41
3/31/06	459.00	0.00	459.00
4/30/06	150.00	0.00	150.00
7/31/06	3,180.00	1.20	3,181.20
8/31/06	840.00	12.00	852.00
9/30/06	1,440.00	0.00	1,440.00
10/31/06	300.00	9.00	309.00
2/28/07	1,710.00	0.00	1,710.00
3/31/07	1,100.00	9.00	1,109.00

ITEMIZATION OF DEFENSE
FEES AND COSTS
(Cause No. 04-0987MJP) - 2

4/30/07	8,670.00	39.00	8,709.00
5/31/07	2,460.00	9.00	2,469.00
8/31/07	270.00	0.00	270.00
9/30/07	3,570.00	8.10	3,578.10
10/31/07	1,620.00	0.00	1,620.00
11/30/07	960.00	0.00	960.00
1/31/08	747.50	0.00	747.50
3/31/08	195.00	0.00	195.00
5/31/08	390.00	1.50	391.50
6/30/08	1,105.00	0.00	1,105.00
7/31/08	1,235.00	0.00	1,235.00
8/31/08	4,249.50	0.00	4,249.50
9/30/08	6,890.00	453.95	7,343.95
10/31/08	3,575.00	33.90	3,608.90
11/30/08	3,705.00	14.70	3,719.70
12/31/08	22,746.00	458.69	23,204.69
1/31/09	74,528.00	659.35	75,187.35
2/28/08	66,736.00	1,185.99	67,921.99
3/31/09	133,326.00	4,851.73	138,177.73
4/30/09	41,439.50	5,119.00	46,558.50
TOTAL			<u>\$858,140.62</u>

GRAND TOTAL FEES AND COSTS \$2,423,662.90